

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MARCH 21, 2001**

A. ROLL CALL

The Regular City Council meeting of March 21, 2001 was called to order by Mayor Nakanishi at 7:00 p.m.

Present: Council Members – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Ran Dotson, Heartland Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Nakanishi.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Awards – None

D-2 (a) Mayor Nakanishi presented a proclamation to Library Services Director Nancy Martinez proclaiming the week of April 1 – 7, 2001 as “National Library Week” in the City of Lodi.

D-2 (b) Mayor Nakanishi presented a proclamation to Richard Jones, Executive Director of the Lodi Boys and Girls Club, proclaiming the week of March 24 – 31, 2001 as “National Boys and Girls Club Week” in the City of Lodi.

D-3 (a) Julia Rough, member of the Greater Lodi Area Youth Commission, acknowledged the Teen of Month, Jamie Funamura from Tokay High School.

D-3 (b) Mayor Nakanishi presented the Distinguished Program Award to Police Chief Jerry Adams, which was awarded by the California Department of Youth Authority for the Lodi Area Crime Stoppers Program.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Land, Pennino second, unanimously approved the following items hereinafter set forth:

E-1 Claims were approved in the amount of \$4,948,831.00.

E-2 The minutes of February 20, 2001 (Special Meeting), February 27, 2001 (Shirtsleeve Session), and March 1, 2001 (Joint Meeting with the Lodi Unified School District) were approved as written.

E-3 Approved the plans and specifications for installation of streetlights on phase two of the Streetlight Completion Project, authorized advertisement for bids, and authorized the transfer of funds for the project.

E-4 Adopted Resolution No. 2001-62 authorizing the City Manager to purchase two electric panels from All-Phase Electric Company, in Stockton, in the amount of \$40,796.25 for Turner Road Underpass Storm Pumping Facility and Water Well No. 26 at Katzakian Park, and appropriate funds to cover the purchase.

*Continued March 21, 2001*

- E-5 Adopted Resolution No. 2001-63 awarding the bid for the purchase of two replacement base station radio transmitters for the Fire Department to Bearcom, of Sacramento, in the amount of \$12,506.30
- E-6 Adopted Resolution No. 2001-64 awarding the contract for Well 26 Pump and Motor, 1020 Bridgetowne Drive (Katzakian Park), to Amerine Systems, Inc., of Oakdale, in the amount of \$17,860 and appropriated funds in accordance with staff recommendation.
- E-7 Adopted Resolution No. 2001-65 awarding the contract for Salas Park Playground Improvements, 2001 South Stockton Street, Hutchins Street Square, 600 West Oak Street, Century Park Playground Improvements, Century Boulevard and Church Street, to A.M. Stephens Construction Company, Inc., of Lodi, in the amount of \$150,889.00 and appropriated funds in accordance with staff recommendation.
- E-8 Adopted Resolution No. 2001-66 awarding the contract for Eastside Aerial Survey and Mapping Services, to Psomas, of Sacramento, in the amount of \$10,248.00 and appropriated funds in accordance with staff recommendation.
- E-9 Accepted the improvements under the "Peterson Park Restroom, 199 Evergreen Drive" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- E-10 Accepted the improvements under the "Electric Utility Substructures, Turner Road/McLane Substation" contract and directed the Electric Utility Director to file a Notice of Completion with the County Recorder's office.
- E-11 Adopted Resolution No. 2001-67 amending Resolution No. 2000-91 to authorize the San Joaquin County Public Works Director rather than the Integrated Waste Manager to execute all necessary forms for the purpose of securing payment to implement and carry out the purposes specified in Section 14851 (A)(4)(a) of the California Beverage Container Recycling and Litter Reduction Act.
- E-12 Adopted Resolution No. 2001-68 approving the City of Lodi Electric Utility Summer 2001 ISO Industrial Customer Load Curtailment Program, and authorized the City Manager to sign a contract between the City of Lodi and Planergy International to implement and manage the project.
- E-13 Approved the Addendum to the Improvement Agreement for the public improvements of Colvin Ranch, Tract No. 2430, directed the City Manager and City Clerk to execute the Addendum on behalf of the City, and appropriated funds for the cost of the improvements.
- E-14 Adopted Resolution No. 2001-69 approving the waiver and transfer of Juvenile Accountability Incentive Block Grant funding and approved matching City funds in the amount of \$1,557.00.
- E-15 Set Public Hearing for April 18, 2001 to introduce ordinance for the implementation of a Market Cost Adjustment Policy and Mechanism.
- E-16 Adopted Resolution No. 2001-70 approving an appropriation of \$8,085 to complete the seating project at Zupo Field.

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F. PUBLIC HEARINGS

- F-1 "Public Hearing to adopt resolution accepting the Oliver Tecklenburg/William Beckman Reorganization proposal to annex approximately 27 acres to the City of Lodi with concurrent detachments from the Woodbridge Rural County Fire Protection District, Northern San Joaquin Water Conservation District, and Road District No. 4" was ***pulled from the agenda and rescheduled for the regular City Council meeting of April 18, 2001.***

G. COMMUNICATIONS

- G-1 On recommendation of the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), and Human Resources staff, the City Council, on motion of Council Member Hitchcock, Land second, unanimously rejected the following claims:
- a) Andrew Conley, date of loss 9/25/00
  - b) Bertha Schock, date of loss 8/19/00
  - c) Kenny Rawe, date of loss 10/27/00
  - d) Delta Radiology Medical Group, date of loss 7/13/00
  - e) Steven Anthes, date of loss 1/24/01
  - f) Michelle Garcia, date of loss 1/10/01
  - g) Barbara Farhat, date of loss 6/25/00
- G-2 Alcoholic Beverage Control License Applications – None
- G-3 Reports: Boards/Commissions/Task Forces/Committees – None
- G-4 Appointments – None
- G-5 Miscellaneous – None

H. REGULAR CALENDAR

- H-1 “Approve KPMG Option 3 Proposal to perform the City’s Readiness Assessment for GASB 34 and approve appropriation of funds (\$75,000)”

Accounting Manager Ruby Paiste introduced KPMG Senior Manager Marvin Dozier.

Mr. Dozier stated that the Government Accounting Standards Board (GASB) sets forth the standards for governmental accountants. GASB34 includes policy considerations, accounting issues, and systems capabilities, which must be addressed by the City and implemented by 2003. KPMG’s proprietary software tool ‘Government Reporting Implementation Process’ (GRIP) assists cities in developing policies for implementing GASB34 and serves as a guide through the numerous requirements. There are two components of GRIP: 1) Readiness Assessment – includes interviews with key employees, validation of interview answers, identification of high risk areas, and development of a matrix identifying projects that are critical for the City; and 2) Master Plan – will detail out numerous projects including their definitions, roles, responsibilities, and assignments; the approach the City needs to take and the program structure on how to complete the projects. For each project, KPMG will develop the scope, objectives, project management structure, schedules, milestones and deliverables, as well as the estimated cost of the projects.

In response to Mayor Pro Tempore Pennino, Finance Director McAthie stated that she believed her staff could perform a substantial amount of the work to implement GASB34.

Mayor Nakanishi asked what the penalty would be for GASB34 non-compliance.

Mr. Dozier replied that financial statements would not be in accordance with generally accepted accounting principles, which would result in an “adverse opinion.” An adverse opinion could affect the City's bond rating or impact the level of funding the City receives from federal agencies. He stated that there will be an increased and ongoing cost to the City to implement GASB34, as it requires that two financial statement perspectives (Citywide and Fund Level) be prepared, rather than one.

MOTION/ VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Hitchcock second, unanimously adopted Resolution No. 2001-71 approving the proposal submitted by KPMG LLP to perform professional services to assist the City in addressing implementation of GASB 34.

- H-2 "Adopt resolution approving no-parking zones on all or portions of Ham Lane, Vine Street to Lodi Avenue, to accommodate the installation of a continuous two-way left-turn lane"

Associate Traffic Engineer Paula Fernandez reported that staff has reviewed accident rates, traffic volume, and performed parking surveys on Ham Lane between Cardinal and Lodi Avenues. During the past five years there have been 23 collisions related to left-turn accidents on Ham Lane between Vine and Tokay Streets, with 6 collisions between Tokay Street and Lodi Avenue. Staff determined that there was not enough traffic volume to justify a raised median; however, they recommend no parking zones on Ham Lane between Vine and Tokay Streets to accommodate left-turn lanes, with no changes on the segment between Tokay Street and Lodi Avenue.

In response to Council Member Land, Ms. Fernandez reported that the no parking zone areas would eliminate 24 parking spaces on the east side of the street and 21 spaces on the west.

Mayor Pro Tempore Pennino asked the City Attorney whether the City would have any liability for future accidents on Ham Lane if the Council chose not to take action at this time.

City Attorney Hays replied that he did not believe so, as the roadway does not represent a dangerous condition. The accidents indicate that drivers are not paying attention to what is going on in front of them.

Mayor Nakanishi favored retaining the parking spaces and suggested that for safety reasons a compromise of a raised median would be preferable.

PUBLIC COMMENTS:

- Cory Wright, 19460 Benedict Drive, Woodbridge, Administrator of Vienna Convalescent Hospital, stated that Vienna is strongly opposed to the City placing a continuous left-turn lane on Ham Lane between Vine Street and Sylvia, which would eliminate 16 parking spaces. Each day employees and visitors utilize street parking in front of Vienna. Mr. Wright stated that they would be in favor of the City creating a left-turn pocket at Sylvia and Iris with a median strip from Vine Street to Sylvia. This would eliminate left-turn accidents on Ham Lane within this section and still allow the majority of parking currently available to remain intact. He commented that Vienna was built in 1962 as a 70-bed facility and was subsequently remodeled and increased to 150 beds. No additional parking spaces were added, as there was insufficient space to do so.
- Ken Heffel, 11 S. Avena Avenue, Lodi, owner of Vienna Convalescent Hospital, suggested having a continuous sidewalk with only one entrance off Iris Drive into the medical complex, and installing a right-turn only exit from Vienna.
- Shelley Schmidt, 512 Sandstone Court, Woodbridge, stated that she works for Lodi Property Management, which manages the La España apartments at 350 S. Ham Lane. She reported that the tenants of the apartments are concerned about the 40 mph speed limit on Ham Lane. Ms. Schmidt spoke in favor of having a two-lane street with a center turn lane.

Mayor Pro Tempore Pennino stated that he is a strong supporter of improving safety and suggested that the problem in this situation may be related to traffic enforcement. He recommended having the Police Department increase enforcement in the area and Public Works staff consider adding red curb near the exits of the medical offices on Vine Street. He suggested tabling the issue of no parking zones on Ham Lane between Tokay and Vine for one year, and added that he is not in favor of a raised median.

In reply to Mayor Pro Tempore Pennino, Public Works Director Prima stated that staff has authority, administratively, to add up to 100 feet of red curbing when necessary.

Council Member Hitchcock disagreed that increasing traffic enforcement would solve the problem, as most of the accidents were unrelated to speeding. She spoke in favor of staff's recommendation and noted that the City is not obligated to provide a parking lot for businesses along Ham Lane.

Mayor Pro Tempore Pennino indicated that if there were three votes in favor of staff's recommendation he would support it.

Council Member Land stated that he agreed with Mayor Pro Tempore Pennino's suggestion to increase traffic enforcement, add red curbing, and table the issue for one year.

MOTION:

Council Member Land made a motion, Howard second, to direct staff to increase traffic enforcement on Ham Lane, Vine Street to Lodi Avenue, and to determine the need for additional red curb areas.

DISCUSSION:

Council Member Howard clarified that staff has recommended no changes on the segment of Ham Lane from Tokay Street to Lodi Avenue.

Mayor Pro Tempore Pennino explained that he did not make the motion because he believed the best solution would be a left-turn lane.

Council Member Hitchcock concluded that, by this action, Council is making a decision to do nothing. She felt that the current number of accidents and likelihood that they will increase, calls for more proactive action.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Howard, Land and Mayor Nakanishi

Noes: Council Members – Hitchcock and Pennino

Absent: Council Members – None

- H-3 "Approve plans and specifications and the Improvement Agreement for the Elm Street Reconstruction Project, Church Street to Sacramento Street, and appropriate funds for the costs of the improvements"

Public Works Director Prima explained that this project is on the block in front of the new theater on Elm Street, between Church and School streets. The diagonal parking toward the west end of the block will mainly be handicap parking. Staff recommends that the theater developers include the public improvements on this block and the adjacent block of Elm Street, between School and Sacramento Streets, as part of their project and the City will reimburse the cost. Mr. Prima anticipated that this project would be completed by early June.

Mayor Nakanishi suggested that the Council direct the City Manager to seek bids for this project.

Mayor Pro Tempore Pennino disagreed, noting that it would delay the project and negatively impact businesses in the construction area.

Council Member Hitchcock pointed out that staff's recommendation creates a savings in time and material costs.

MOTION / VOTE:

Mayor Nakanishi made a motion to approve the plans and specifications and the Improvement Agreement for the Elm Street Reconstruction Project and to direct the City Manager to seek bids for the project. The motion **failed** for lack of a second.

Further, the City Council, on motion of Mayor Pro Tempore Pennino, Hitchcock second, unanimously approved the plans and specifications for the Elm Street Reconstruction Project, directed the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City, and appropriate funds for the cost of the improvements.

- H-4 "Adopt Resolution supporting Assembly Bill 93 which would authorize the North San Joaquin Water Conservation District to fix and collect a per-acre charge for water supply operations"

Public Works Director Prima explained that the North San Joaquin Water Conservation District has requested that the City support state legislation that would allow them to seek an assessment on property within their district. The City has been supportive of the District's efforts to bring in additional surface water to the north county and has provided them \$20,000 in funding annually for the past two years.

MOTION:

Council Member Hitchcock made a motion, Howard second, to adopt Resolution No. 2001-72 supporting Assembly Bill 93 which would authorize the North San Joaquin Water Conservation District to fix and collect a per-acre charge for water supply operations.

DISCUSSION:

Council Member Pennino expressed concern that this action may appear to be a Council recommendation to tax citizens \$5 per acre.

City Attorney Hays explained that this legislation only provides the District with the authority to have the taxing power; pursuant to the provisions of Proposition 218, they must seek voter approval on whether or not the tax can be imposed.

Mayor Nakanishi reported that San Joaquin County lacks approximately 270,000 acre feet of water. He supported the District's request and stated that Lodi's long-range plan should be to obtain a surface water source. He added that this would be an investment in the City's future; however, each voter would have to decide for themselves.

Mr. Hays suggested that the resolution be amended to add "...following an election held pursuant to the provisions of Proposition 218 to fix and collect..."

VOTE:

The above motion was **amended** to adopt Resolution No. 2001-72 supporting Assembly Bill 93 which would authorize the North San Joaquin Water Conservation District following an election held pursuant to the provisions of Proposition 218 to fix and collect a per-acre charge for water supply operations. The motion carried unanimously.

- H-5 "Adopt resolution awarding the contract for the Lodi Station Parking Structure (base bid plus alternates #1 and #2), 50 N. Sacramento Street, to F & H Construction (\$6,724,000); and appropriate \$7,017,000 for the project"

Public Works Director Prima recommended award of the contract alternate that involves removal of the old water main. The project includes putting in a new water main in Sacramento Street from Pine to Elm Streets. He also recommended award of the alternate that includes a piece of artwork along the east side of the structure on the wall that faces the railroad tracks, for an additional \$63,000. Staff recommends a contingency of just under \$300,000. He expressed confidence that cost savings measures internally within the structure and façade can be made so that the overall project remains within the budget.

City Attorney Hays pointed out that there is a 30-day public review period for the certified environmental document that was approved by Council on February 21, 2001; consequently the award of this project would be effective March 23, 2001.

PUBLIC COMMENTS:

- Chuck Easterling, 2301 Cabrillo Circle, Lodi, commented that he rode Amtrak from Stockton to Fresno recently and noted that Lodi is included in their schedule for future stops. He commended staff for the hard work they have done on this project.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Pennino second, unanimously adopted Resolution No. 2001-73 awarding the contract for the Lodi Station Parking Structure, 50 N. Sacramento Street, effective March 23, 2001 to F & H Construction, of Stockton, in the amount of \$6,724,000 (base bid plus Alternates #1 and #2), and appropriated funds in accordance with staff recommendation.

I. ORDINANCES

- I-1 Ordinance No. 1700 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning a 15.5 Acre Portion Of The Property Located At 302 State Route Highway 12 (APN #058-030-01) From AU-20, Agriculture Urban Reserve To CS, Commercial Shopping" having been introduced at a regular meeting of the Lodi City Council held March 7, 2001 was brought up for passage on motion of Mayor Pro Tempore Pennino, Hitchcock second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi  
Noes: Council Members – None  
Absent: Council Members – None  
Abstain: Council Members – None

J. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Eileen St. Yves, 310 S. Orange Avenue, Lodi, identified herself as a property manager. In reference to a recent article published in The Record newspaper, she asked the Mayor if he was contemplating hiring a consultant to come up with ideas on how to clean up the blight on the east side.

Mayor Nakanishi replied that he has been collecting information from residents of the east side, as well as health officials and agencies, on how to improve conditions there. He denied that he was considering hiring a consultant.

Ms. St. Yves claimed that the City has been talking about what to do with the east side for 25 years and has done nothing. She stated that the 1991 "ugly ordinance" needs to be updated and enforced. She complained that the City has not responded to the calls she has made regarding an unsecured refrigerator in a backyard. She reported that the San Joaquin County Rental Property Association offered solutions to the problems on the east side, such as a process of citations, where on the first offense, mandatory training would be given. She also stated that the Association had CDBG dollars allocated for a brochure three years ago; however, once they delivered the proposed brochure to the City, it was never responded to. The copyright has now expired and cannot be used.

City Manager Flynn reported that a Spring Clean Up event is scheduled in May. Staff is working with church groups to identify specific neighborhoods in which efforts will be made to clean up areas and paint structures.

Community Development Director Bartlam added that staff is eliciting volunteers, church groups, and service club organizations to adopt a block or larger area. He expressed optimism in community involvement with improving the visual appearance of the east side. Dangerous buildings and housing conditions are a priority for City staff.

*Continued March 21, 2001*

Mr. Flynn continued, noting that nearly the entire length of Stockton Street will be redone including replacement of the water and sewer lines. Staff has been working with PG&E to relocate the power lines on Cherokee Lane to improve the appearance. An \$8 million project is being considered for the area along Lockeford Street and the Kentucky Spur. The proposed new Indoor Sports Facility is planned to be located on the east side. The City has also hired a new Code Enforcement Officer.

Ms. St. Yves showed photos to the Council of properties that she felt looked fine from the street, but the sides and backyards were unsightly.

Mr. Flynn stated that he would look into her complaint of the unsecured refrigerator and asked Ms. St. Yves to meet with him.

Mayor Nakanishi asked the City Manager to get information out to the community about the work the City has done on the east side. He also invited Ms. St. Yves to meet with him.

Council Member Hitchcock agreed that it is important to get the community involved, particularly in addressing the visual appearance of the east side. She felt that the City should include the addition of two more Code Enforcement Officers in the upcoming budget and stated that the level of services to Lodi's citizens must be a priority.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hitchcock commented on the excellent behavior of the students and the professional handling and support by LUSD staff during a three-hour lockdown at Morada Middle School today.
- Mayor Pro Tempore Pennino noted that the recent newspaper article incorrectly reported that the Mayor had formed a task force for the east side. In reference to the Child Safety Day event that Council Member Howard has suggested, he pointed out that the Council has not yet voted on the concept and further stated that staff should not be devoting a lot of time to its development until it is approved by Council.
- Council Member Howard acknowledged the need for Council approval before a formal announcement is made about the Child Safety Day event.
- Mayor Pro Tempore Pennino disagreed with Ms. St. Yves' comment that the City has not made improvements to the east side. He commended staff for their work related to this area and noted that more money has been spent on the east side than anywhere else in the community.
- Mayor Nakanishi commended Mr. Bartlam for the Spring Clean Up event and Ms. Janet Hamilton for her work related to the east side improvements.
- City Manager Flynn pointed out that the Mayor has been actively working on issues related to health care for children from low-income families on the east side.

L. CLOSED SESSION

Mayor Nakanishi adjourned the City Council meeting at 9:40 p.m. to a Closed Session to discuss the following matters:

- L-1 Prospective acquisition of real property located at 22 E. Locust Street, Lodi, CA (APN 043-082-02) and 17 E. Elm Street, Lodi, CA (APN 043-082-01); the negotiating parties are City of Lodi and Weber, Herman and I TRS.; Government Code §54956.8
- L-2 Prospective acquisition of real property located at 1575 E. Victor Road, Lodi, CA (APN 049-040-07); the negotiating parties are City of Lodi and John Taylor Fertilizers Co.; Government Code §54956.8
- L-3 Prospective acquisition of real property located at 207 S. Sacramento Street, Lodi, CA (APN 043-046-17); the negotiating parties are City of Lodi and William and Virginia Maxwell TR.; Government Code §54956.8



M. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at 10:50 p.m., and the following actions were disclosed.

In regard to L-1, City Attorney Hays announced that there was no reportable action taken.

In regard to L-2, City Attorney Hays announced that the City Council authorized staff to obtain an appraisal of real property located at 1575 E. Victor Road (APN 049-040-07) and negotiate an option to purchase. The vote was 5-0 in favor of authorizing the action.

In regard to L-3, City Attorney Hays announced that the City Council authorized staff to obtain an appraisal for property located at 207 S. Sacramento Street (APN 043-046-17) and negotiate an option to purchase at the appraised price at the conclusion of the term of the lease. The vote was 5-0 in favor of authorizing the action.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:50 p.m.

ATTEST:

Susan J. Blackston  
City Clerk